

THE FLORIDA LEGISLATURE

Guide to Lobbyist Registration and Reporting

2004



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The Legislature, in creating a lobbyist registration program, expressed the following intent:

The Legislature finds that the operation of open and responsible government requires the fullest opportunity to be afforded to the people to petition their government for the redress of grievances and to express freely their opinions on legislative action. Further, the Legislature finds that preservation of the integrity of the governmental decisionmaking process is essential to the continued functioning of an open government. Therefore, in order to preserve and maintain the integrity of the process and to better inform the citizens of the efforts to influence legislative branch action, the Legislature finds it necessary to require the public disclosure of the identity, expenditures, and activities of certain persons who attempt to influence actions of the legislative branch.

The Lobbyist Registration Office has been established to administer the registration of persons who lobby the Florida Legislature.

All lobbyists before the Florida Legislature must register with the Lobbyist Registration Office. You may request registration forms and other information on this program by contacting that office.

Rules of the Legislature implementing sections 11.044-11.062, Florida Statutes, are contained in Joint Rule One. The law and the rule are included in this guide.

You may access current lobbyist information and forms furnished by the Lobbyist Registration Office from the legislative web site at www.flsenate.gov/lobbyist.

Whether you need to register will depend on a number of factors, including the nature of your relationship with those you represent and the types of activities you undertake. The purpose of this guide is to summarize major provisions of the law and rules to assist you in making this determination and in complying with the law's requirements. Lobbyists are urged to read the law and rules, which are included in this guide, in their entirety.

TERMS YOU NEED TO KNOW:

LOBBYIST – A person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. An employee of the principal is not a “lobbyist” unless the employee is principally employed for governmental affairs. “Principally employed for governmental affairs” means that one of the principal or most significant responsibilities of the employee to the employer is overseeing the employer’s various relationships with government or representing the employer in its contacts with government.

LOBBYIST DOES NOT MEAN –

- A member of the Legislature.
- An employee of the Legislature.
- A judge who is acting in that judge’s official capacity.
- A person who is a state officer holding elective office or an officer of a political subdivision of the state holding elective office and who is acting in that officer’s official capacity.
- A person who appears as a witness or for the purpose of providing information at the written request of the chair of a committee, subcommittee, or legislative delegation.
- A person employed by any executive, judicial, or quasi-judicial department of the state or community college of the state who makes a personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, while that person is on approved leave or outside normal working hours, and who does not otherwise meet the definition of lobbyist.

DESIGNATED LOBBYIST – The first person who registers to represent a principal is the “designated lobbyist.” The designated lobbyist is responsible for reporting the expenditures made directly by the principal. The principal must sign the designated lobbyist’s expenditure report.

PRINCIPAL – The person, firm, corporation, or other entity which has employed or retained a lobbyist. When an association has employed or retained a lobbyist, the association is the principal, not the individual members of the association.

LOBBYING – Influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature.

LOBBYING DOES NOT MEAN –

- Response to an inquiry for information by any member, committee, or staff of the Legislature.
- An appearance in response to a legislative subpoena.
- Advice or services which arise out of contractual obligation with the Legislature, a member, a committee, any staff, or any legislative entity to render the advice or services where such obligation is fulfilled through the use of public funds.
- Representation of a client before the House of Representatives or the Senate, or any member or committee thereof, when the client is subject to disciplinary action by the House of Representatives or the Senate, or any member or committee thereof.

FREQUENTLY ASKED QUESTIONS

Q. Who must register?

A. All lobbyists before the Florida Legislature must register before engaging in lobbying activity.

Q. What is the registration cycle?

A. It is one calendar year from January 1 - December 31.

Q. Is registration required for each principal?

- A. Yes. Lobbyists must register for each principal separately. The Lobbyist Registration Offices furnishes the required registration form.

It is important to note that the first person who registers for a principal is automatically the “designated lobbyist” for that principal. The “designated lobbyist” is responsible for reporting the principal’s expenses. The principal may, however, change its designated lobbyist at any time in writing to the office.

Q. Are lobbyists required to have permission to lobby?

- A. Yes. Lobbyists must obtain written authorization to represent their principals before the Legislature. The office furnishes the required authorization form.

Q. Is there a registration fee?

- A. Yes. The annual fee for a lobbyist’s *first* registration of the year is \$50 and \$20 for each additional registration for that lobbyist. For example, each lobbyist must pay the following:

- \$50 for one registration.
- \$70 for two registrations.
- \$90 for three registrations.
- \$110 for four registrations, and so on.

(The fees for lobbyists who are not registering jointly for both the Senate and House are \$25 for the first registration and \$10 for each additional registration. Their registration forms must state whether they are lobbying the Senate or the House.)

Q. What should registered lobbyists do if they no longer represent a principal?

- A. They must cancel their registration within 15 days of terminating their representation for a principal. The office furnishes cancellation forms. Cancellation takes effect the day the office receives the form. Retroactive cancellations are not allowed.

The principal may also cancel a lobbyist’s registration by sending a written statement notifying the office that a lobbyist is no longer authorized to represent that principal and that the name of the lobbyist should be removed from the list of registered lobbyists.

Important: Even if a lobbyist's registration is canceled, the lobbyist is still required to file an expenditure report. Furthermore, each principal shall ensure that an expenditure report is filed for each period during any portion of which the principal was represented by a registered lobbyist.

Q. Will the fee be refunded if the registration is canceled?

- A. No. The registration fee cannot be refunded or transferred to another registrant.

Q. What should lobbyists do if their address changes?

- A. They must notify the office of their new address within 15 days of the change on a form furnished by the office. Lobbyists are required to maintain a current mailing address at all times with the office.

Q. Are the lobbyist forms available on the Internet?

- A. Yes. All of the forms are available on the legislative web site at www.flsenate.gov/lobbyist.

Q. Does lobbying include phone calls and correspondence?

- A. Yes.

Q. May a firm, corporation, business or other entity register as a lobbyist?

- A. No. Only individual persons register as lobbyists.

Q. Do lobbyists have to register even if they lobby only in a legislator's district office?

- A. Yes. The requirement to register does not depend upon where lobbying takes place.

Q. Are lobbyists required to register if they represent clients in the claim bill process?

- A. Yes. They must register for the client represented. The name of the client, not the law firm or attorney handling the case, should be listed as the principal, although the attorney may sign the principal's authorization, unless the attorney is also the lobbyist. The style of a law suit, such as

Jones v. School Board of Lee County, is not acceptable for the name of the principal.

Q. May lobbyists receive contingency fees?

- A. No. No person may, in whole or in part, pay, give, or receive, or agree to pay, give, or receive a contingency fee. However, this prohibition does not apply to a claim bill.

Q. Are persons required to register if they are members of organizations and *volunteer* to lobby and are reimbursed only for reasonable travel expenses by their organizations?

- A. No.

Q. What if a person is not a lobbyist and is, therefore, not required to register but wants to?

- A. Any person who is not a lobbyist but chooses to register shall be considered a lobbyist of the Legislature and shall be subject to all the registration and reporting requirements as those persons who are required to register. *It is important to know that any person who chooses to register as a lobbyist will be subject to the provisions of the law and rule which assess fines against a lobbyist who fails to file an expenditure report timely.* Additionally, any person who chooses to register shall be considered a lobbyist of the Legislature for the purposes of section 112.3148 and 112.3149, Florida Statutes, relating to gifts and honoraria.

Q. If I need additional information or have a question about the lobbying rules, how do I proceed?

- A. First, contact the Lobbyist Registration Office. If your concern requires further investigation or involves particular rules questions, you may submit in writing a statement of the facts for an informal opinion from the General Counsel of the Office of Legislative Services. The General Counsel will issue an opinion within 10 days after receiving the request.

Q. How many lobbyists usually register to lobby the Legislature?

- A. Approximately 2,000 lobbyists register annually to represent 2,500 principals.

REGISTRATION FOR EMPLOYEES OF STATE AGENCIES

Q. Are state employees required to register prior to lobbying on behalf of their agency?

- A. Yes. All persons employed by any executive, judicial, or quasi-judicial department of the state or community college of the state who seek to lobby must register before they lobby.

For purposes of registration and reporting, “lobbyist” does not mean a state employee who

- Appears before a committee or subcommittee of the Florida Senate or House of Representatives at the request of the committee or subcommittee chair as a witness or for informational purposes.
- Makes a personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, while on approved leave or outside normal working hours, and who does not otherwise meet the definition of lobbyist.

Q. Is there a registration fee for the employees?

- A. Yes. The fee is \$50 for each employee registering to represent an agency. If the agency is paying the fee by journal transfer, then the SAMAS voucher schedule must be submitted with the employee’s registration and authorization forms or they will be returned. Purchase orders are not accepted.

Q. Will the registration fee be refunded to the agency if the employee’s representation is canceled?

- A. No. The registration fee cannot be refunded or transferred to another state employee.

Q. Are any state employees exempt from the registration fee?

- A. Yes. Two employees of the following are exempt from paying the registration fee. A fee exemption letter signed by the agency head or specified person must be submitted with the employee’s registration and authorization forms:

- Each department of the executive branch created under Chapter 20, Florida Statutes.
- The Fish and Wildlife Conservation Commission.
- The Executive Office of the Governor.

- The Commission on Ethics.
- The Florida Public Service Commission.
- The judicial branch, designated in writing by the Chief Justice of the Florida Supreme Court.

Q. Who is required to record their attendance?

- A. All state employees who are registered to lobby must record with the Lobbyist Registration Office any attendance in the legislative chambers, committee rooms, legislative offices, legislative hallways, and other areas in the immediate vicinity during the established business hours of the agency by which the person is employed. Contact the Lobbyist Registration Office for the “*Record of Attendance*” form.

However, if the employee’s position is designated in that department’s budget as being used during all, or a portion of, the fiscal year for lobbying, then the employee is exempt from this provision.

Q. Are there any prohibitions from using state funds for lobbying?

- A. Yes. Using state funds for lobbying purposes is prohibited.

LOBBYING EXPENDITURES

TERMS YOU NEED TO KNOW:

EXPENDITURE – A payment, distribution, loan, advance, reimbursement, deposit, or anything of value made or controlled, directly or indirectly, by a lobbyist or principal for the purpose of lobbying. Expenditures shall be accounted for and reported on an accrual accounting basis.

GOODWILL EXPENDITURE – An expenditure shall be considered to have been intended to be for the purpose of engendering goodwill if it is a gift, an entertainment, any food or beverage, or any other item or service of similar personal benefit to a member or an employee of the Legislature, unless the member or employee is a relative of the lobbyist.

Q. How are lobbying expenditures reported?

- A. Lobbyists are required by law to file semi-annual lobbyist expenditure reports. The office furnishes the required expenditure reporting forms.

Q. When are the reporting periods and filing deadlines?

- A. The first reporting period is January 1—June 30, and the filing deadline is **August 14**. The second reporting period is July 1—December 31, and the filing deadline is **February 14**.

The filing deadlines are set by statute, and they are fixed. Lobbyists should mark **August 14** and **February 14** on their calendars so they will not miss a filing deadline and be fined.

Q. Who is responsible for filing the expenditure reports?

- A. Lobbyists are responsible for filing their expenditure reports, and principals shall ensure that an expenditure report is filed for each period during any portion of which the principal was represented by a lobbyist.

Q. What information is required on the reports?

- A. The lobbyist's name, principal, all lobbying expenditures according to the category and source of funds. Lobbyists must sign their reports certifying to the accuracy of their figures reported. Principal's must sign the reports filed by the "designated lobbyist," certifying to the accuracy of the figures they submitted.

Q. May a lobbyist sign the expenditure report on behalf of the principal?

- A. No. The requirement for the principal to sign the report cannot be delegated to the lobbyist, as the principal must sign the report certifying to the accuracy of the figures it is reporting. Only when the lobbyist is the Chief Executive Officer of the principal may the same person sign as both the lobbyist and the principal.

Q. May lobbyists fax their signed and certified expenditure reports to the Lobbyist Registration Office?

- A. No. Original signatures of the lobbyist and the principal are required. *Important:* A report that is submitted with faxed or photocopied signatures is incomplete and is *not* considered filed; the lobbyist may be fined if a completed report with original signatures is not filed.

Q. What if absolutely no money was spent?

A. Lobbyists are required to file expenditure reports even if there were no expenses. There is a specific place on the report to disclose that there were no expenses.

Q. Are lobbyists required to file expenditure reports even if they have canceled a registration?

A. Yes. They must file an expenditure report if they were registered during the reporting period. A report must be filed if the lobbyist was registered for only *one* day during the reporting period. Lobbyists may file the expenditure report at the time of cancellation.

Q. Should lobbyists' and principals' salaries be disclosed on the expenditure report?

A. No. Their salaries are not expenditures and should not be reported.

Q. Are lobbyists' and principals' personal expenses for lodging, meals and travel to be reported?

A. No. They are not expenditures and should not be reported.

Q. Are campaign contributions reported on the expenditure report?

A. No. Campaign contributions are governed by Chapter 106, Florida Statutes.

Q. If a person registered for a principal just to be on the "safe side" but never actually lobbied or made any expenditures, must that lobbyist still file an expenditure report?

A. Yes. Lobbyist registration is a required disclosure to let the Legislature and the public know who is representing principals. Once you register, you have made a representation under oath that you represent your principal. You must, therefore, file expenditure reports.

Q. Are there any fines if reports are not filed timely?

A. Yes. Lobbyists will be assessed a fine in the amount of *\$50 per day per report for each late day*, not to exceed \$5,000 per report. Fines are assessed by calendar days.

Fines that are overdue will be forwarded to the Comptroller for collection, and the registration of a lobbyist who fails to pay a fine on time will be automatically *suspended* until the fine is paid or waived.

Q. May a lobbyist appeal a fine?

- A. Yes. A lobbyist wishing to appeal or dispute a fine must file with the Lobbyist Registration Office a notice of appeal within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, setting out with specificity the unusual circumstances surrounding the failure to file an expenditure report on the designated due date. If desired, a request for a hearing on the matter before the General Counsel of the Office of Legislative Services must be made within the same 30-day period. The notice of appeal must be accompanied by any documentation or evidence supporting the claim. Failure to timely file the notice of appeal shall constitute a waiver of the right to appeal or dispute a fine.

Q. If a lobbyist's address changed after registering to represent a principal and the lobbyist did not receive any notices from the Lobbyist Registration Office, does the lobbyist have good grounds to appeal a fine for filing expenditure reports late?

- A. No. Lobbyists are required to notify the office of any changes in their address within 15 days of the change. In addition, the dates for filing expenditure reports are set by statute. Lobbyists may not rely on their failure to receive courtesy reminders of filing dates as a basis for a fine appeal.

Q. A lobbyist's assistant who handled filing the expenditure reports on behalf of the lobbyist was confused about which reports required the principals' signatures, as the lobbyist was the "designated lobbyist" for only a few of the principals. Does the lobbyist have good grounds for appealing a fine because the reports that required a principal's signature were filed late?

- A. No. Lobbyists may not delegate their responsibility for filing complete expenditure reports and then claim that errors made by their subordinates constitute "uncommon, rare, or sudden events over which the person has no control and which directly result in the failure to meet the filing requirements."

Q. If a company hired a lobbyist who registered to represent the company before the Legislature, and that lobbyist quit and left town without filing an expenditure report, can the company file an appeal of the fine imposed because the lobbyist failed to file the expenditure report?

- A. No. The responsibility for filing expenditure reports is personal to each lobbyist. Fines are imposed on only lobbyists and only lobbyists can appeal their fines.

Q. What should a lobbyist do if the principal will not sign the expenditure report?

- A. If a lobbyist can show good cause for not being able to file a completed report with the principal's signature, then the lobbyist may request a waiver. An example of a situation that might constitute good cause is the dissolution of a corporate principal. The request must be filed with the General Counsel of the Office of Legislative Services, who will review the request and forward it with his recommendation to the President of the Senate and the Speaker of the House of Representatives for their decision. Without a waiver, the report would be incomplete and, therefore, late.

The request for a waiver does not toll the time for filing a complete report.

If there is not sufficient time to receive a waiver, the impossibility of acquiring a principal's signature may constitute grounds for appeal.

Additionally, if a lobbyist becomes incapacitated prior to the filing deadline, then his or her legal representative or principal can request a waiver, in which case only the principal information would be reported.

Q. If a lobbyist is registered for two principals and takes a legislator to lunch but does not talk about either principal in particular, how does the lobbyist report the cost of the lunch?

- A. When a lobbyist has more than one principal and makes expenditures for engendering goodwill that cannot be attributed to a particular principal, the expenditures can be prorated among the lobbyist's various principals or they can be reported for one principal. It is important to note that a lobbyist may not register himself or herself as a principal and use this apportionment rule to conceal the identity of the principals for whom the expenditures are made.

Q. If a law firm spends funds on research for a non-lobbying client then several months later happens to use the same research for a lobbying principal, how would the expenditure for the research be reported?

- A. The expenditure for the research cost is not required to be reported if the research was not made in anticipation of later use for the principal.

- Q. If a lobbyist gives a gift to a reporting individual of the Legislature and reports it on a "Form 30 Donor's Quarterly Gift Disclosure" form, is the lobbyist also required to report the gift as a lobbying expense?**
- A. Yes. The gift must also be disclosed as a lobbying expense on the "*Lobbyist's Expenditure Report*" since the two reporting statements are separate. Gift reports are required by section 112.3148(5)(b), Florida Statutes, and expenditure reports are required by section 11.045(3), Florida Statutes.

JOINT RULE ONE

LOBBYIST REGISTRATION AND REPORTING

1.1—Those Required to Register; Exemptions; Committee Appearance Records

(1) All lobbyists before the Florida Legislature must register with the Lobbyist Registration Office in the Division of Legislative Information Services of the Office of Legislative Services, referred to in Joint Rule One as the Lobbyist Registration Office. Registration is required for each principal represented.

(2) As used in this rule, unless the context otherwise requires:

(a) “Designated lobbyist” means the lobbyist who is appointed, by a principal represented by two or more lobbyists, to file expenditure reports that include lobbying expenditures made directly by the principal.

(b) “Legislative action” means introduction, sponsorship, testimony, debate, voting, or any other official action on any measure, resolution, amendment, nomination, appointment, or report of, or any matter which may be the subject of action by, either house of the Legislature or any committee thereof.

(c) “Lobby” or “lobbying” means influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature.

(d) “Lobbyist” means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. An employee of the principal is not a “lobbyist” unless the employee is principally employed for governmental affairs. “Principally employed for governmental affairs” means that one of the principal or most significant responsibilities of the employee to the employer is overseeing the employer’s various relationships with government or representing the employer in its contacts with government. Any person employed by any executive, judicial, or quasi-judicial department of the state or any community college of the state who seeks to encourage the passage, defeat, or modification of any legislation by personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, is a lobbyist.

(e) “Payment” or “salary” means wages or any other consideration provided in exchange for services, but does not include reimbursement for expenses.

(f) “Principal” means the person, firm, corporation, or other entity that has employed or retained a lobbyist. When an association has employed or retained a lobbyist, the association is the principal; the individual members of the association are not principals merely because of their membership in the association.

(3) For purposes of this rule, the terms “lobby” and “lobbying” do not include

any of the following:

(a) Response to an inquiry for information made by any member, committee, or staff of the Legislature.

(b) An appearance in response to a legislative subpoena.

(c) Advice or services that arise out of a contractual obligation with the Legislature, a member, a committee, any staff, or any legislative entity to render the advice or services where such obligation is fulfilled through the use of public funds.

(d) Representation of a client before the House of Representatives or the Senate, or any member or committee thereof, when the client is subject to disciplinary action by the House of Representatives or the Senate, or any member or committee thereof.

(4) For purposes of registration and reporting, the term “lobbyist” does not include any of the following:

(a) A member of the Legislature.

(b) A person who is employed by the Legislature.

(c) A judge who is acting in that judge’s official capacity.

(d) A person who is a state officer holding elective office or an officer of a political subdivision of the state holding elective office and who is acting in that officer’s official capacity.

(e) A person who appears as a witness or for the purpose of providing information at the written request of the chair of a committee, subcommittee, or legislative delegation.

(f) A person employed by any executive, judicial, or quasi-judicial department of the state or community college of the state who makes a personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, while that person is on approved leave or outside normal working hours, and who does not otherwise meet the definition of lobbyist.

(5) When a person, whether or not the person is registered as a lobbyist, appears before a committee of the Legislature, that person must submit a Committee Appearance Record on a form to be provided by the respective house.

1.2—Method of Registration

(1) Each person who is required to register under Joint Senate and House Rule 1.1 must register on forms furnished by the Lobbyist Registration Office, on which that person must state, under oath, that person’s full legal name, driver’s license number, business address, and phone number, the name and business address of each principal that person represents, the areas of that person’s legislative interest, and the extent of any direct business association or partnership that person has with any member of the Legislature. The Lobbyist Registration Office or its designee is authorized to acknowledge the oath of any person who registers in person. Any changes to the information provided in the

registration form must be reported to the Lobbyist Registration Office in writing within 15 days on forms furnished by the Lobbyist Registration Office.

(2) Any person required to register must do so with respect to each principal prior to commencement of lobbying on behalf of that principal. At the time of registration, the registrant shall provide a statement signed by the principal or principal's representative that the registrant is authorized to represent the principal. Any person required to register must renew the registration annually, in accordance with Joint Senate and House Rule 1.3.

(3) If a principal is represented by two or more lobbyists, the first lobbyist who registers to represent that principal shall be the designated lobbyist. The principal may change its designated lobbyist at any time in writing on forms furnished by the Lobbyist Registration Office. Upon termination of the designated lobbyist's representation, the principal shall notify the Lobbyist Registration Office within 15 days, on forms furnished by the office, of the appointment of a new designated lobbyist.

(4) A lobbyist shall promptly send a notice to the Lobbyist Registration Office, on forms furnished by the Lobbyist Registration Office, cancelling the registration for a principal upon termination of the lobbyist's representation of that principal. A notice of cancellation takes effect the day it is received by the Lobbyist Registration Office. Notwithstanding this requirement, the Lobbyist Registration Office may remove the name of a lobbyist from the list of registered lobbyists if the principal notifies the Lobbyist Registration Office that the lobbyist is no longer authorized to represent that principal. Each lobbyist shall file an expenditure report for each period during any portion of which he or she was registered, and each principal shall ensure that an expenditure report is filed for each period during any portion of which the principal was represented by a registered lobbyist.

(5) The Lobbyist Registration Office shall publish on the first Monday of each regular session and weekly thereafter through the end of that session a compilation of the names of persons who have registered and the information contained in their registrations.

(6) The Lobbyist Registration Office shall retain all original documents submitted under this section.

(7) A person who is required to register under this rule, or who chooses to register, shall be considered a lobbyist of the Legislature for the purposes of sections 112.3148 and 112.3149, Florida Statutes, relating to the reporting of and the prohibited receipt of gifts and honoraria.

1.3—Registration Costs; Exemptions

(1) To cover the costs incurred in administering this joint policy, each person who registers under Joint Senate and House Rule 1.1 must pay an annual registration fee to the Lobbyist Registration Office. The annual period runs from January 1 to December 31. These fees must be paid at the time of

registration.

(2) The following persons are exempt from paying the fee, provided they are designated in writing by the agency head or person designated in this subsection:

(a) Two employees of each department of the executive branch created under chapter 20, Florida Statutes.

(b) Two employees of the Fish and Wildlife Conservation Commission.

(c) Two employees of the Executive Office of the Governor.

(d) Two employees of the Commission on Ethics.

(e) Two employees of the Florida Public Service Commission.

(f) Two employees of the judicial branch designated in writing by the Chief Justice of the Florida Supreme Court.

(3) The annual fee is up to \$50 per each house for a person to register to represent one principal and up to an additional \$10 per house for each additional principal that the person registers to represent. The amount of each fee shall be established annually by the President of the Senate and the Speaker of the House of Representatives. The fees set shall be adequate to ensure operation of the lobbyist registration and reporting operations of the Lobbyist Registration Office. The fees collected by the Lobbyist Registration Office under this joint policy shall be deposited in the State Treasury and credited to the Legislative Lobbyist Registration Trust Fund specifically to cover the costs incurred in administering this joint policy.

1.4—Periodic Reports Required

(1) **REPORTING DATES.**—Each person who registers pursuant to Joint Senate and House Rule 1.2 must submit to the Lobbyist Registration Office, on forms provided by the Lobbyist Registration Office and for each reporting period required by this rule, a signed and certified statement listing all lobbying expenditures during the reporting period and the sources of funds for those expenditures as required in this rule. Reporting statements shall be filed no later than 45 days after the end of the reporting period. Only two reports are required each calendar year. The first report shall disclose expenditures made from January 1 through June 30. The second report shall disclose expenditures for July 1 through December 31. It is the intent of this rule that each reporting period be separate from the other reporting period and that each expenditure be reported just once. In addition, any reporting statement may be filed by electronic means, when feasible.

(2) **TIMELINESS OF REPORTS.**—Reports shall be filed not later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner. A certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due

date, shall be proof of mailing in a timely manner.

(3) LOBBYIST'S EXPENDITURE REPORT.—

(a) The Lobbyist's Expenditure Report shall include the name of the lobbyist and the name of the principal on whom the report is prepared. Expenditures for the reporting period shall be reported by the following categories: Food and Beverages; Entertainment; Research; Communications; Media Advertising; Publications; Travel; Lodging; Special Events; and Other. For each expenditure category, the report must identify the amount paid directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. Forms shall be provided by the Lobbyist Registration Office.

(b) A lobbyist shall file a Lobbyist's Expenditure Report for each principal represented.

(c) When a principal has two or more lobbyists, the designated lobbyist will be responsible for filing a report that discloses the expenditures made directly by the principal and the expenditures of the designated lobbyist on behalf of the principal. The designated lobbyist is responsible for making a good faith effort to obtain the figures reported as lobbying expenditures made by the principal.

(d) When there are multiple lobbyists, only the designated lobbyist is to report expenditures made directly by the principal. When there are multiple lobbyists, only unduplicated amounts should be reported for expenditures initiated or expended by the lobbyist and paid for by the principal.

(e) The principal is responsible for the accuracy of the figures submitted to the lobbyist for reporting, and the lobbyist is responsible for the accuracy of the figures reported as lobbying expenditures made by that lobbyist. The principal shall sign the expenditure report submitted by the principal's sole or designated lobbyist.

(4) EXPENDITURES.—

(a) Definitions.—

1. "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made or controlled, directly or indirectly, by a lobbyist or principal for the purpose of lobbying. Expenditures shall be accounted for and reported on an accrual accounting basis.

2. "Accrual accounting basis" means the method of accounting that recognizes expenses during the period in which they are incurred regardless of when they are actually paid.

(b) Goodwill expenditures.—An expenditure shall be considered to have been intended to be for the purpose of engendering goodwill if it is a gift, an entertainment, any food or beverage, or any other item or service of similar personal benefit to a member or an employee of the Legislature, unless the member or employee is a relative of the lobbyist. A relative is an individual who is related to the member or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-

law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, or step great grandchild; any person who is engaged to be married to the member or employee or who otherwise holds himself or herself out as or is generally known as the person whom the member or employee intends to marry or with whom the member or employee intends to form a household; or any other natural person having the same legal residence as the member or employee.

(c) Expenditure categories.—Each reporting individual shall make a good faith effort to report an expenditure and to report it in the appropriate category. If an expenditure fits in two or more categories, it shall be reported in the category to which the expense primarily relates. When an expenditure is not within any defined category, it should be reported in the “Other” category. The categories of expenditures used in this rule are as follows:

1.a. “Communications” means dissemination of information, including, but not limited to, by means of the following:

I. Audio-visual materials; and

II. Signs, placards, banners, buttons, promotional materials, and other display materials; together with any associated production services.

b. This category does not include media advertising, publications, or research.

2. “Entertainment” means amusement or recreation, including, but not limited to, sporting, hunting, fishing, theatrical, artistic, cultural, and musical activities or events.

3. “Food and Beverages” means meals, snacks or other edible substances, or liquids for drinking, including services associated therewith.

4. “Lodging” means sleeping or living accommodations for an individual for one or more nights.

5. “Media Advertising” means newspaper and magazine advertising, radio and television advertising, and outdoor advertising, including production services and copyrighting services.

6. “Other” means any item or service that is not included within one of the specified categories, but does not include any item or service that is not required by law to be reported.

7. “Publications” means mass-produced, printed materials, including, but not limited to, magazines, newsletters, brochures, or pamphlets, which expressly encourage persons to communicate with members or employees of the Legislature to influence the official actions of members or employees of the Legislature or which are designed to communicate with members or employees of the Legislature.

8. “Research” means procurement of information relating to a specific issue, regardless of the form or medium in which that information is provided, including, but not limited to, surveys, bill-tracking services, information

services, periodicals, and consultants or consultant services to gather data or statistics.

9. “Special Events” means large-scale occurrences, including, but not limited to, receptions, banquets, dinners, or legislative days, to which more than 250 persons are invited and for which the expenditures associated with hosting the occurrence are negotiated with a catering service or facility at a single, set price or which include multiple expenditure categories.

10. “Travel” means transporting an individual from one place to another, regardless of the means used.

(d) Items that are not expenditures.—The term “expenditure” does not include:

1. Contributions or expenditures reported pursuant to chapter 106, Florida Statutes; campaign-related personal services provided without compensation by individuals volunteering their time; or any other contribution or expenditure by a political party.

2. A lobbyist’s or principal’s salary, office expenses, and personal expenses for lodging, meals, and travel. If the principal is a firm, corporation, association, or person, other than a natural person, the office expenses of the entity and the salaries of the officers of the entity, as well as expenses for their lodging, meals, and travel, are not lobbying expenditures. Office expenses include, but are not limited to, payment or obligation for rent or mortgage, utilities, postage, telephone service, employees’ salaries, furniture, copies, computers, software, paper supplies, and custodial or maintenance services. Communications, publications, and research are office expenses if performed or produced by the lobbyist or principal or their employees. If those functions are performed by independent contractors, other than the lobbyist or principal or an affiliate controlled by the principal, they are expenditures reportable under the appropriate expenditure category.

3. If an expense is incurred for a nonlobbying business purpose and the product of that expense is later used for a lobbying purpose, a reportable expenditure is not created.

(e) Valuation of expenditures.—

1. In calculating the amount of aggregate expenditures, a lobbyist or principal may, prior to prorating, round each entry up or down to the nearest \$5. A record is not required to be maintained for any amount that rounds to zero.

2. The amount to be reported for an expenditure shall be determined using the actual cost to the lobbyist or principal or other person making the payment on behalf of the lobbyist or principal, less any compensation received by such lobbyist or principal in payment for the object of the expenditure. If a lobbyist or principal makes a contribution to an expenditure by another lobbyist or principal, the person making the contribution shall report the amount of the contribution as an expenditure, and the person receiving the contribution shall subtract the value of the contribution from the expenditure to be reported by that person.

3. When a lobbyist has multiple principals, expenditures made for the purpose of engendering goodwill that are not attributable to one principal may be prorated among the lobbyist's principals or may be attributed to one principal.

4. When a lobbyist has multiple principals, expenditures for research or other expenditures that may benefit several principals may be reported to the principal for whom the research was done or other expenditures incurred or prorated to those principals that may benefit from the research or other expenditures.

5. The amount reported as an expenditure shall not include the amount of any additional expenses that are required as a condition precedent to eligibility to make an expenditure if the amount expended for the condition precedent is primarily intended to be for a purpose other than lobbying or if it is paid to a charitable organization. If the amount expended for the condition precedent is primarily intended to be for a lobbying purpose and is not paid to a charitable organization, the total amount of the expenditure shall be reported as a lobbying expenditure. Initiation fees, membership fees, and booster fees are examples, although not exclusive examples, of additional expenses that are regularly required as conditions precedent for eligibility to make other expenditures.

6. A person providing transportation in a private automobile shall be considered to be making an expenditure at the rate of 29 cents per mile, and the amount of an expenditure made for transportation provided in other private conveyances shall be determined in accordance with the provisions of section 112.3148(7), Florida Statutes.

7. A person providing lodging in a private residence shall be considered to be making an expenditure of \$29 per night.

8. Expenditures made for more than one person may be attributed, on a pro rata basis, among all of the persons for whom the expenditure is made.

(5) **AGGREGATION OF EXPENDITURE FIGURES.**—For each reporting period, the Lobbyist Registration Office shall aggregate the expenditures reported by all of the lobbyists for a principal represented by more than one lobbyist. Following the last report for each calendar year, the Lobbyist Registration Office shall provide a total of expenditures reported as spent by and on behalf of each principal for that calendar year.

1.5—Penalties for Late Filing

(1) Upon determining that a report is late, the person designated to review the timeliness of reports shall immediately notify the lobbyist as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be \$50 per day per report for each late day, not to exceed \$5,000 per report.

(2) Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

- (a) When a report is actually received by the lobbyist registration and reporting office;
 - (b) When the report is postmarked;
 - (c) When the certificate of mailing is dated; or
 - (d) When the receipt from an established courier company is dated.
- (3) Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the Lobbyist Registration Office. The moneys shall be deposited into the Legislative Lobbyist Registration Trust Fund.
- (4) A fine shall not be assessed against a lobbyist the first time any reports for which the lobbyist is responsible are not timely filed. However, to receive this one-time fine waiver, all reports for which the lobbyist is responsible must be filed within 30 days after notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.
- (5) A lobbyist, a lobbyist's legal representative, or the principal of a lobbyist may request that the filing of an expenditure report be waived upon good cause shown, based on unusual circumstances. The request must be filed with the General Counsel of the Office of Legislative Services, who shall make a recommendation concerning the waiver request to the President of the Senate and the Speaker of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives may grant or deny the request. The registration of a lobbyist who fails to timely pay a fine is automatically suspended until the fine is paid or waived.
- (6) The person designated to review the timeliness of reports shall notify the director of the division of the failure of a lobbyist to file a report after notice or of the failure of a lobbyist to pay the fine imposed.

1.6—Appeal of Fines; Hearings; Unusual Circumstances

- (1) A lobbyist wishing to appeal or dispute a fine imposed in accordance with Joint Senate and House Rule 1.5 shall file with the Lobbyist Registration Office a notice of appeal within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, setting out with specificity the unusual circumstances surrounding the failure to file on the designated due date. A request for a hearing on the matter before the General Counsel of the Office of Legislative Services must be made within the same 30-day period. The notice of appeal may be accompanied by any documentation or evidence supporting the claim. Failure to timely file a notice of appeal as described in this subsection shall constitute a waiver of the right to appeal or to dispute a fine.
- (2) The President of the Senate and the Speaker of the House of Representatives may waive the fine in whole or in part for good cause shown based on the unusual circumstances presented by the lobbyist.
- (3) The term “unusual circumstances” for the purposes of this rule means

uncommon, rare, or sudden events over which the person has no control and which directly result in the failure to meet the filing requirements.

(4) The Department of Banking and Finance shall collect any fine that is not timely paid.

1.7—Questions Regarding Registration

(1) A person may request in writing an informal opinion from the general counsel of the Office of Legislative Services as to the application of this rule to a specific situation. The general counsel shall issue the opinion within 10 days after receiving the request. The informal opinion may be relied upon by the person who requested the informal opinion. A copy of each informal opinion which is issued shall be provided to the presiding officer of each house. The committees designated under section 11.045(4), Florida Statutes, may revise any informal opinion rendered by the general counsel through an advisory opinion to the person who requested the informal opinion. The advisory opinion shall supersede the informal opinion as of the date the advisory opinion is issued.

(2) Persons in doubt about the applicability or interpretation of this rule may submit in writing the facts for an advisory opinion to the committee of either house designated pursuant to section 11.045(4), Florida Statutes, and may appear in person before the committee in accordance with section 11.045(4), Florida Statutes.

1.8—Open Records

All of the lobbyist registration and expenditure reports received by the Lobbyist Registration Office shall be available for public inspection and for duplication at reasonable cost.

1.9—Records Retention and Inspection

Each lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate lobbying expenditures. Upon receipt of a complaint based upon the personal knowledge of the complainant made pursuant to the Senate Rules or Rules of the House of Representatives, any such documents and records may be inspected when authorized by the President of the Senate or the Speaker of the House of Representatives, as applicable. The person authorized to perform the inspection shall be designated in writing and shall be a member of The Florida Bar or a certified public accountant licensed in Florida. Any information obtained by such an inspection may only be used for purposes authorized by law, this rule, Senate Rules, or Rules of the House of Representatives, which purposes may include the imposition of sanctions against a person subject to this rule or Senate Rules or the Rules of the House of Representatives. Any employee who uses that information for an

unauthorized purpose is subject to discipline. Any member who uses that information for an unauthorized purpose is subject to discipline under the applicable rules of each house. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.

Sections 11.044-11.062, Florida Statutes

11.044 Legislative intent and purpose.--The Legislature finds that the operation of open and responsible government requires the fullest opportunity to be afforded to the people to petition their government for the redress of grievances and to express freely their opinions on legislative action. Further, the Legislature finds that preservation of the integrity of the governmental decisionmaking process is essential to the continued functioning of an open government. Therefore, in order to preserve and maintain the integrity of the process and to better inform the citizens of the efforts to influence legislative branch action, the Legislature finds it necessary to require the public disclosure of the identity, expenditures, and activities of certain persons who attempt to influence actions of the legislative branch.

History.--s. 1, ch. 93-121.

Note.—Former s. 11.043.

11.045 Lobbyists; registration and reporting; exemptions; penalties.--

(1) As used in this section, unless the context otherwise requires:

(a) "Committee" means the committee of each house charged by the presiding officer with responsibility for ethical conduct of lobbyists.

(b) "Division" means the Division of Legislative Information Services within the Office of Legislative Services.

(c) "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying.

(d) "Legislative action" means introduction, sponsorship, testimony, debate, voting, or any other official action on any measure, resolution, amendment, nomination, appointment, or report of, or any matter which may be the subject of action by, either house of the Legislature or any committee thereof.

(e) "Lobbying" means influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature.

(f) "Lobbyist" means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity.

(g) "Principal" means the person, firm, corporation, or other entity which has employed or retained a lobbyist.

(2) Each house of the Legislature shall provide by rule, or may provide by a joint rule adopted by both houses, for the registration of lobbyists who lobby the Legislature. The rule may provide for the payment of a registration fee. The

rule may provide for exemptions from registration or registration fees. The rule shall provide that:

- (a) Registration is required for each principal represented.
- (b) Registration shall include a statement signed by the principal or principal's representative that the registrant is authorized to represent the principal.
- (c) A registrant shall promptly send a written statement to the division canceling the registration for a principal upon termination of the lobbyist's representation of that principal. Notwithstanding this requirement, the division may remove the name of a registrant from the list of registered lobbyists if the principal notifies the office that a person is no longer authorized to represent that principal.
- (d) Every registrant shall be required to state the extent of any direct business association or partnership with any current member of the Legislature.
- (e) Each lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate lobbying expenditures. Any documents and records retained pursuant to this section may be inspected under reasonable circumstances by any authorized representative of the Legislature. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.
- (f) All registrations shall be open to the public.
- (g) Any person who is exempt from registration under the rule shall not be considered a lobbyist for any purpose.

(3) Each house of the Legislature shall provide by rule the following reporting requirements:

- (a) Statements shall be filed by all registered lobbyists two times per year, which must disclose all lobbying expenditures by the lobbyist and the principal and the source of funds for such expenditures. All expenditures made by the lobbyist and the principal for the purpose of lobbying must be reported. Reporting of expenditures shall be made on an accrual basis. The report of such expenditures must identify whether the expenditure was made directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. The principal is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the principal. The lobbyist is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the lobbyist. Expenditures made must be reported by the category of the expenditure, including, but not limited to, the categories of food and beverages, entertainment, research, communication, media advertising, publications, travel, and lodging. Lobbying expenditures do not include a lobbyist's or principal's salary, office expenses, and personal expenses for lodging, meals, and travel.

(b) If a principal is represented by two or more lobbyists, the first lobbyist who registers to represent that principal shall be the designated lobbyist. The designated lobbyist's expenditure report shall include all lobbying expenditures made directly by the principal and those expenditures of the designated lobbyist on behalf of that principal as required by paragraph (a). All other lobbyists registered to represent that principal shall file a report pursuant to paragraph (a). The report of lobbying expenditures by the principal shall be made pursuant to the requirements of paragraph (a). The principal is responsible for the accuracy of figures reported by the designated lobbyist as lobbying expenditures made directly by the principal. The designated lobbyist is responsible for the accuracy of the figures reported as lobbying expenditures made by that lobbyist. Each lobbyist shall file an expenditure report for each period during any portion of which he or she was registered, and each principal shall ensure that an expenditure report is filed for each period during any portion of which the principal was represented by a registered lobbyist.

(c) For each reporting period the division shall aggregate the expenditures reported by all of the lobbyists for a principal represented by more than one lobbyist. Further, the division shall aggregate figures that provide a cumulative total of expenditures reported as spent by and on behalf of each principal for the calendar year.

(d) The reporting statements shall be filed no later than 45 days after the end of the reporting period. The first report shall include the expenditures for the period from January 1 through June 30. The second report shall disclose expenditures for the period from July 1 through December 31. The statements shall be rendered in the identical form provided by the respective houses and shall be open to public inspection. Reporting statements may be filed by electronic means, when feasible.

(e) Reports shall be filed not later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, shall be proof of mailing in a timely manner.

(f) Each house of the Legislature shall provide by rule, or both houses may provide by joint rule, a procedure by which a lobbyist who fails to timely file a report shall be notified and assessed fines. The rule shall provide for the following:

1. Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the lobbyist as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be \$50 per day per report for each late day, not to exceed \$5,000 per report.

2. Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

a. When a report is actually received by the lobbyist registration and reporting office.

b. When the report is postmarked.

c. When the certificate of mailing is dated.

d. When the receipt from an established courier company is dated.

3. Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the division. The moneys shall be deposited into the Legislative Lobbyist Registration Trust Fund.

4. A fine shall not be assessed against a lobbyist the first time any reports for which the lobbyist is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the lobbyist is responsible must be filed within 30 days after notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.

5. Any lobbyist may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the General Counsel of the Office of Legislative Services, who shall recommend to the President of the Senate and the Speaker of the House of Representatives, or their respective designees, that the fine be waived in whole or in part for good cause shown. The President of the Senate and the Speaker of the House of Representatives, or their respective designees, may concur in the recommendation and waive the fine in whole or in part. Any such request shall be made within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office. In such case, the lobbyist shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to request a hearing.

6. A lobbyist, a lobbyist's legal representative, or the principal of a lobbyist may request that the filing of an expenditure report be waived upon good cause shown, based on unusual circumstances. The request must be filed with the General Counsel of the Office of Legislative Services, who shall make a recommendation concerning the waiver request to the President of the Senate and the Speaker of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives may grant or deny the request. The registration of a lobbyist who fails to timely pay a fine is automatically suspended until the fine is paid or waived.

7. The person designated to review the timeliness of reports shall notify the director of the division of the failure of a lobbyist to file a report after notice or of the failure of a lobbyist to pay the fine imposed.

(4) Each house of the Legislature shall provide by rule a procedure by which a person, when in doubt about the applicability and interpretation of this section in a particular context, may submit in writing the facts for an advisory opinion to the committee of either house and may appear in person before the committee. The rule shall provide a procedure by which:

(a) The committee shall render advisory opinions to any person who seeks advice as to whether the facts in a particular case would constitute a violation of this section.

(b) The committee shall make sufficient deletions to prevent disclosing the identity of persons in the decisions or opinions.

(c) All advisory opinions of the committee shall be numbered, dated, and open to public inspection.

(5) Each house of the Legislature shall keep all advisory opinions of the committees relating to lobbyists and lobbying activities, as well as a current list of registered lobbyists and their respective reports required under this section, all of which shall be open for public inspection.

(6) The committee of either house shall investigate any person engaged in legislative lobbying upon receipt of a sworn complaint alleging a violation of this section, s. 112.3148, or s. 112.3149 by such person. Such proceedings shall be conducted pursuant to the rules of the respective houses. If the committee finds that there has been a violation of this section, s. 112.3148, or s. 112.3149, it shall report its findings to the President of the Senate or the Speaker of the House of Representatives, as appropriate, together with a recommended penalty, to include a fine of not more than \$5,000, reprimand, censure, probation, or prohibition from lobbying for a period of time not to exceed 24 months. Upon the receipt of such report, the President of the Senate or the Speaker of the House of Representatives shall cause the committee report and recommendations to be brought before the respective house and a final determination shall be made by a majority of said house.

(7) Any person required to be registered or to provide information pursuant to this section or pursuant to rules established in conformity with this section who knowingly fails to disclose any material fact required by this section or by rules established in conformity with this section, or who knowingly provides false information on any report required by this section or by rules established in conformity with this section, commits a noncriminal infraction, punishable by a fine not to exceed \$5,000. Such penalty shall be in addition to any other penalty assessed by a house of the Legislature pursuant to subsection (6).

(8) There is hereby created the Legislative Lobbyist Registration Trust Fund, to be used for the purpose of funding any office established for the administration of the registration of lobbyist lobbying the Legislature, including the payment of salaries and other expenses, and for the purpose of paying the expenses incurred by the Legislature in providing services to lobbyists. The trust fund is not subject to the service charge to general revenue provisions of chapter 215.

Fees collected pursuant to rules established in accordance with subsection (2) shall be deposited into the Legislative Lobbyist Registration Trust Fund.

History.--s. 1, ch. 78-268; s. 1, ch. 90-502; s. 1, ch. 91-292; s. 2, ch. 93-121; s. 1, ch. 96-203; s. 1, ch. 98-136; s. 2, ch. 2000-122; s. 1, ch. 2000-232.

11.047 Contingency fees; prohibitions; penalties.--

(1) "Contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent or in any way contingent on the enactment, defeat, modification, or other outcome of any specific legislative action.

(2) No person may, in whole or in part, pay, give, or receive, or agree to pay, give, or receive, a contingency fee. However, this subsection does not apply to claims bills.

(3) Any person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If such person is a lobbyist, the lobbyist shall forfeit any fee, bonus, commission, or profit received in violation of this section and is subject to the penalties set forth in s. 11.045. When the fee, bonus, commission, or profit is nonmonetary, the fair market value of the benefit shall be used in determining the amount to be forfeited. All forfeited benefits collected shall be deposited into the Legislative Lobbyist Registration Trust Fund.

(4) This section does not apply to any contract providing for compensation by contingency fee which is in existence on the date this act becomes a law and which does not provide for compensation by contingency fee for lobbying after December 31, 1993.

(5) Nothing in this section may be construed to prohibit any salesperson engaging in legitimate state business on behalf of a company from receiving compensation or commission as part of a bona fide contractual arrangement with that company.

History.--s. 3, ch. 93-121.

11.061 State, state university, and community college employee lobbyists; registration; recording attendance; penalty; exemptions.--

(1) Any person employed by any executive, judicial, or quasi-judicial department of the state or community college or state university who seeks to encourage the passage, defeat, or modification of any legislation by personal appearance or attendance before the House of Representatives or the Senate, or any committee thereof, shall, prior thereto, register as a lobbyist with the joint legislative office on a form to be provided by the joint legislative office in the same manner as any other lobbyist is required to register, whether by rule of either house or otherwise. This shall not preclude any person from contacting her or his legislator regarding any matter during hours other than the established

business hours of the person's respective agency, state university, or community college.

(2)(a) Each state, state university, or community college employee registered pursuant to the provisions of this section shall:

1. Record with the chair of the committee any attendance before any committee during established business hours of the agency, state university, or community college employing the person.

2. Record with the joint legislative office any attendance in the legislative chambers, committee rooms, legislative offices, legislative hallways, and other areas in the immediate vicinity during the established business hours of the agency, state university, or community college employing the person.

(b) Any person who appears before a committee or subcommittee of the House of Representatives or the Senate at the request of the committee or subcommittee chair as a witness or for informational purposes shall be exempt from the provisions of this subsection.

(3) Any state, state university, or community college employee who violates any provision of this section by not registering with the joint legislative office as a lobbyist or by failing to record hours spent as a lobbyist in areas and activities as set forth in this section during the established business hours of the agency, state university, or community college employing the person shall have deducted from her or his salary an amount equivalent to her or his hourly wage times the number of hours that she or he was in violation of this section.

(4) Any person employed by any executive, judicial, or quasi-judicial department of the state or by any community college or state university whose position is designated in that department's budget as being used during all, or a portion of, the fiscal year for lobbying shall comply with the provisions of subsection (1), but shall be exempt from the provisions of subsections (2) and (3).

History.--s. 1, ch. 74-161; s. 2, ch. 78-268; s. 1, ch. 85-69; s. 9, ch. 95-147; s. 878, ch. 2002-387.

11.062 Use of state funds for lobbying prohibited; penalty.--

(1) No funds, exclusive of salaries, travel expenses, and per diem, appropriated to, or otherwise available for use by, any executive, judicial, or quasi-judicial department shall be used by any state employee or other person for lobbying purposes, which shall include the cost for publication and distribution of each publication used in lobbying; other printing; media; advertising, including production costs; postage; entertainment; and telephone and telegraph. Any state employee of any executive, judicial, or quasi-judicial department who violates the provisions of this section shall have deducted from her or his salary the amount of state moneys spent in violation of this section.

(2)(a) A department of the executive branch, a state university, a community college, or a water management district may not use public funds to retain a

lobbyist to represent it before the legislative or executive branch. However, full-time employees of a department of the executive branch, a state university, a community college, or a water management district may register as lobbyists and represent that employer before the legislative or executive branch. Except as a full-time employee, a person may not accept any public funds from a department of the executive branch, a state university, a community college, or a water management district for lobbying.

(b) A department of the executive branch, a state university, a community college, or a water management district that violates this subsection may be prohibited from lobbying the legislative or executive branch for a period not exceeding 2 years.

(c) This subsection shall not be construed to prohibit a department of the executive branch, a state university, a community college, or a water management district from retaining a lobbyist for purposes of representing the entity before the executive or legislative branch of the Federal Government. Further, any person so retained is not subject to the prohibitions of this subsection.

(d) A person who accepts public funds as compensation for lobbying in violation of this subsection may be prohibited from registering to lobby before the legislative or executive branch for a period not exceeding 2 years.

(e) A person may file a written complaint with the Commission on Ethics alleging a violation of this subsection. The commission shall investigate and report its finding to the President of the Senate, the Speaker of the House of Representatives, and the Governor and Cabinet. Based upon the report of the Commission on Ethics or upon its own finding that a violation of this subsection has occurred, a house of the Legislature may discipline the violator according to its rules, and the Governor or the Governor and Cabinet, as applicable, may prohibit the violator from lobbying before the executive branch for a period not exceeding 2 years after the date of the formal determination of a violation. The Commission on Ethics shall adopt rules necessary to conduct investigations under this paragraph.

History.--s. 2, ch. 74-161; s. 4, ch. 93-121; s. 10, ch. 95-147.